

COOLEY LLP
 MICHAEL G. RHODES (SBN 116127)
 (rhodesmg@cooley.com)
 101 California Street, 5th Floor
 San Francisco, CA 94111-5800
 Telephone: (415) 693-2000
 Facsimile: (415) 693-2222

HEIDI L. KEEFE (SBN 178960)
 (hkeefe@cooley.com)
 LAM K. NGUYEN (SBN 265285)
 (lnguyen@cooley.com)
 3175 Hanover Street
 Palo Alto, CA 94304-1130
 Telephone: (650) 843-5000
 Facsimile: (650) 849-7400

ADAM M. PIVOVAR (SBN 246507)
 (apivovar@cooley.com)
 1299 Pennsylvania Ave., NW, Ste. 700
 Washington, DC 20004-2446
 Telephone: (202) 842-7800
 Facsimile: (202) 842-7899

DUSTIN M. KNIGHT (*pro hac vice*)
 (dknight@cooley.com)
 11951 Freedom Dr.
 One Freedom Square, 14th Floor
 Reston, VA 20190-5656
 Telephone: (703) 456-8000
 Facsimile: (703) 456-8100

Attorneys for Defendant Tesla, Inc.

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

NIKOLA CORPORATION,

 Plaintiff and Counter-
 defendant,

 v.

 TESLA, INC.,

 Defendant and Counter-
 claimant.

Case No. 3:18-cv-07460-JD

Judge James Donato

**JOINT STIPULATED REQUEST FOR ORDER
 CHANGING TIME (CIVIL L.R. 6-2) AND
 [PROPOSED] ORDER**

**JOINT STIPULATED REQUEST FOR ORDER CHANGING
 TIME (CIVIL L.R. 6-2) AND [PROPOSED] ORDER
 CASE NO. 3:18-CV-07460-JD**

Pursuant to Civil L.R. 6-2 and 7-12, Plaintiff and Counter-defendant Nikola Corporation (“Nikola”) and Defendant and Counter-claimant Tesla, Inc. (“Tesla”) (collectively, “the Parties”), submit this Joint Stipulated Request for Order Changing Time (Civil L.R. 6-2) and [Proposed] Order:

WHEREAS, on December 2, 2020, the Court issued its Scheduling Order setting forth initial deadlines in this matter (ECF No. 136);

WHEREAS, on February 12, 2021, the Parties filed a joint stipulation seeking a fourteen-day extension of all deadlines in the Scheduling Order (ECF No. 143), with the exception of the tutorial hearing, claim construction hearing, final pretrial conference, and jury trial date;

WHEREAS, on February 12, 2021, the Court issued an Order extending Tesla’s time to file invalidity contentions to March 1, 2021 and directing the Parties to submit a proposed amended scheduling order for all remaining pre-trial dates (ECF No. 144);

WHEREAS, on February 19, 2021, the Parties submitted the requested proposed Amended Scheduling Order (ECF No. 145);

WHEREAS, on February 25, 2021, the Court issued an Order entering an Amended Scheduling Order consistent with the Parties’ February 19, 2021 submission (ECF No. 146);

WHEREAS, the Parties have conferred and agree that a change to the claim construction hearing date from September 30, 2021 to October 7, 2021 is necessary to accommodate a scheduling conflict that has arisen for counsel for Tesla. (*See* Declaration of Adam Pivovar in Support of Joint Stipulated Request for Order Changing Time (Civil L.R. 6-2) and [Proposed] Order (“Pivovar Decl.” ¶¶2-3);

WHEREAS, prior modifications of time are detailed in the Pivovar Declaration (Pivovar Decl., ¶4);

WHEREAS, the Parties’ requested change to the schedule impacts the scheduled date for the claim construction hearing, but does not affect any remaining dates in the Court’s Amended Scheduling Order (Pivovar Decl., ¶¶5-6);

IT IS HEREBY AGREED AND STIPULATED by and between the Parties, through their respective counsel, that the below scheduled date for the claim construction hearing should be modified:

Event	Original Deadline	New Deadline
Patent L.R. 4-6: Claim Construction Hearing and Tutorial	<u>Tutorial:</u> September 16, 2021 at 11:00 a.m. <u>Claim Construction:</u> September 30, 2021 at 11:00 a.m.	<u>Tutorial:</u> September 16, 2021 at 11:00 a.m. <u>Claim Construction:</u> October 7, 2021 at 11:00 a.m.

IT IS SO STIPULATED.

Dated: June 23, 2021

Respectfully submitted,

/s/ Adam Pivovar

COOLEY LLP
Michael G. Rhodes (SBN 116127)
(rhodesmg@cooley.com)
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

Heidi L. Keefe (SBN 178960)
(hkeefe@cooley.com)
Lam K. Nguyen (SBN 265285)
(lnguyen@cooley.com)
3175 Hanover Street
Palo Alto, CA 94304-1130
Telephone: (650) 843-5000
Facsimile: (650) 849-7400

Adam M. Pivovar (SBN 246507)
(apivovar@cooley.com)
1299 Pennsylvania Ave., NW Ste. 700
Washington, DC 20004-2446
Telephone: (202) 842-7800
Facsimile: (202) 842-7899

Dustin M. Knight (*pro hac vice*)
(dknight@cooley.com)
11951 Freedom Dr.
One Freedom Square, 14th Floor
Reston, VA 20190
Telephone: (703) 456-8000
Facsimile: (703) 456-8100

Attorneys for Defendant Tesla, Inc.

1 Dated: June 23, 2021

/s/ Kenneth Reed Willis

2 Allan Steyer
3 (asteyer@steyerlaw.com)
4 Donald S. Macrae
5 (smacrae@steyerlaw.com)
6 Jill K. Cohoe
7 (jcohoe@steyerlaw.com)
8 STEYER LOWENTHAL BOONDROOKAS
9 ALVAREZ & SMITH
10 235 Pine Street, 15th Floor
11 San Francisco, CA 94104
12 Telephone: (415) 421-3400
13 Facsimile: (415) 421-2234

14 Kenneth Reed Willis
15 (rwillis@beusgilbert.com)
16 Leo R. Beus
17 (lbeus@beusgilbert.com)
18 Richard L. Williams
19 BEUS GILBERT PLLC
20 701 North 44th Street
21 Phoenix, Arizona 85008-6504
22 Telephone: (480) 429-3000
23 Facsimile: (480) 429-3001

24 *Attorneys for Plaintiff Nikola Corporation*

ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), I attest that the concurrence in the filing of this document has been obtained from the other signatories.

Dated: June 23, 2021

/s/ Adam Pivovar
Adam Pivovar

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated:

Honorable James Donato
United States District Judge